

In Re:

Aharon Roni Sas

Orna Cohen

Debtors

Case No. 10-27221- MKN
Chapter 7

Hearing Date: August 1, 2012
Hearing Time: 2:30 pm

Debtors, Aharon Sas and Orna Cohen (“Debtors”), by and through their attorney, Arun Gupta of Gupta Law Firm, LLC hereby move this Court pursuant to Bankruptcy Code Section 350(b) for its Order Granting Motion to Reopen Closed Case for Purpose of amending schedules to add omitted pre-petition creditors, the arbitration award, and to update on outcome of lawsuits that were included in original statement of financial affairs.

This Motion is based upon the attached Memorandum of Points and Authorities.

DATED this 25th day of June, 2012.

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MEMORANDUM OF POINTS AND AUTHORITIES

I. STATEMENT OF FACTS

1. Debtors filed for Chapter 7 Bankruptcy on September 11, 2010.
2. Pursuant to section 727 of Title 11, United States Bankruptcy Code debtor was granted a discharge on December 20, 2010.
3. Debtors' lawsuits were included on Statement of Financial Affairs in the original Bankruptcy petition (docket #1, pages 38-39). The Debtors' have been represented in the litigation by the law firm of Arin & Associates, P.C. (Address: 7201 W. Lake Mead Blvd, #208, Las Vegas, NV 89128) on a separate contingency fee-agreement.

II. DEBTORS' MOTION TO REOPEN SHOULD BE GRANTED UNDER SECTION 350(b) & FRBP 5010 TO ADD OMITTED PRE-PETITION CREDITORS.

Bankruptcy Code 727(b) provides that a discharge releases a debtor from personal liability for allowed claims and debts. A discharge under subsection 523(a) discharges the debtor from all debts that arose before the date of the order for relief under this chapter.

A Chapter 7 bankruptcy case can be reopened after discharge and case closure under certain circumstances. Bankruptcy Code Section 350(b) authorizes the bankruptcy court to reopen a case for various reasons including to "administer assets, to accord relief to the debtor, or for other cause." Fed. R. Bankr. P. 5010 states: "A case may be reopened on motion of the debtor or other party in interest pursuant to section 350(b) of the Code."

In using its discretion to grant such a motion the "bankruptcy court should exercise its equitable powers with respect to substance and not technical considerations that will prevent substantial justice. *Stark v. St. Mary's Hospital (In re Stark)*, 717 F. 2d. 322, 323 (7th circuit 1983)

1 Emphasizing the importance of the debtor's right to a fresh start, the U.S. Supreme
2 Court has long observed:

3 "One of the primary purposes of the bankruptcy act is to 'relieve the
4 honest debtor from the weight of oppressive indebtedness and
5 permit him to start fresh, free from the obligations and
6 responsibilities consequent upon business misfortunes.' *Williams v.*
7 *U.S. Fidelity & G. Co.*, 236 U.S. 549, 554055, 35 S.Ct. 289, 290, 59
8 *L.Ed. 713 (1915).*

9 Fed. R. Bankr. P. 5010 states: "A case may be reopened on motion of the debtor or
10 other party in interest pursuant to section 350(b) of the Code."

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III. CONCLUSION

 For the foregoing reasons, Debtors request this honorable Court to grant the relief
requested.

Respectfully Submitted,
/s/ Arun Gupta, Esq.
Arun Gupta, Esq.
Attorney for Debtor(s)

Respectfully Submitted,
/s/ Arun Gupta, Esq.
Arun Gupta, Esq.
Attorney for Debtor(s)